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| 09/822,164 | 03/30/2001 | Naveen Kumar | P5546 US | 6290 |
| 22835 | 7590 | 08/09/2005 | EXAMINER | |
| A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616 | | | RUTTEN, JAMES D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2192 | |

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/822,164

Applicant(s)

KUMAR, NAVEEN

Examiner

J. Derek Rutten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 July 2005 has been entered, wherein claims 1, 11, and 21 have been amended, no claims have been canceled, and no new claims have been added. Claims 1-30 remain pending in the application and have been fully considered by the examiner.
2. Applicant has primarily argued that the claims are not anticipated by "Sun Cluster 2.2 API Developer's Guide" by Sun Microsystems, Inc. (hereinafter referred to as "Sun Cluster 2.2") in view of prior art of record U.S. Patent 5,159,687 to Richburg (hereinafter "Richburg") because they do not teach the automatic generation of a configuration file. This argument is not persuasive, as will be addressed under the *Response to Arguments* section below.

Response to Arguments

3. In the last paragraph of page 9 through the top of page 10, Applicant essentially argues that Sun Cluster 2.2 and Richburg do not teach the generation of a configuration file. However,

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page 2-2 of Sun Cluster 2.2 (second paragraph in section 2.2) teaches that a configuration file is used to customize a clustered computing system:

An administrator can place the boot file (pointed to by the -b flag argument) on any arbitrary file system in the diskset, depending on which file system has space. However, the HA-in.named method implementations need a specific starting point from which to find the boot file. The sample application places this starting point in the administrative file system under the hainnamed subdirectory. It is placed in the **hainnamed.config configuration file**, which contains a single directory name that indicates a directory elsewhere in the logical host's multihosted disk. This is where the data actually resides (it is a level of indirection).

It is noted that the generation of the configuration file is inherent. If the configuration file was not generated, it could not exist to refer to, and the system would fail. Thus, the code can be configured after installation. Since Sun Cluster 2.2 discloses the generation of a configuration file, the Applicant's argument is not convincing.

Claim Objections

4. Claims 1, 11, and 21 are objected to because of the following informalities: Line 13 of claim 1 contains the typo "configu4red" which should be --configured--. Similar typos are found in lines 14 and 15 of claims 11 and 21, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-15, 17-25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Sun Cluster 2.2 API Developer's Guide" by Sun Microsystems, Inc.

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(hereinafter referred to as "Sun Cluster 2.2") in view of prior art of record U.S. Patent 5,159,687 to Richburg (hereinafter "Richburg").

As per claim 1, Sun Cluster 2.2 discloses:

A method See page 1-2 Section 1.2 paragraph 2:

The remainder of this section describes the three basic **methods** required to make any data service run in the Sun Cluster environment.

comprising:

a. accepting user specified characteristics of said application and said clustered

computer system See page 1-3, Section 1.3.1, paragraph 1:

You must decide whether your **data service** will keep its data in just one or in multiple logical **hosts**.

b. generating a code for at least one resource type based on at least one of said

input user specified characteristics See page 1-1, Section 1.1, paragraph 1:

This enables you to **code** in a scripting language such as the Bourne shell

c. installing said generated code of said at least one resource type and said

application on at least one node of said clustered computer system See page 1-2 Section 1.2 paragraph 2:

At this point, the data service's **software** must be restarted on the surviving host."

In order to be restarted on a host, the code must have been installed on that host.

d. automatically generating a configuration file, wherein the configuration file

stores user-supplied configuration information which allows the generated code to be

configured after it is installed. Page 2-2 of Sun Cluster 2.2 (second paragraph in section

2.2) teaches that a configuration file is used to customize a clustered computing system:

An administrator can place the boot file (pointed to by the -b flag argument) on any arbitrary file system in the diskset, depending on which file system has space. However, the HA-in.named method implementations need a specific starting point from which to find the boot file. The sample application places this starting point in the administrative file system under the hainnamed subdirectory. It is placed in the **hainnamed.config configuration file**, which contains a single directory name that indicates a directory elsewhere in the logical host's multihosted disk. This is where the data actually resides (it is a level of indirection).

It is noted that the generation of the configuration file is inherent. If the configuration file was not generated, it could not exist to refer to, and the system would fail. Using the configuration file, the code can be configured to find needed files after installation.

Sun Cluster 2.2 does not expressly disclose automatic generation. However, in an analogous environment, Richburg teaches automatic generation (See column 7 lines 37-40: "In summary, the present invention provides a method and means for the **automatic generation** of text script files which are used to realize complete or partial computer applications from a specified user requirement." It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Richburg's teaching of automatic generation with the resource types of Sun Cluster 2.2. One of ordinary skill would have been motivated to utilize complex, standardized software scripts in a manner easily used and applied by a wide class of users (Richburg column 3 lines 57-59).

As per claim 2, Sun Cluster 2.2 discloses:

The method of claim 1, wherein said application is a highly available application
(page 1-1 paragraph 1).

As per claim 3, Sun Cluster 2.2 discloses:

The method of claim 1, wherein said application is a scalable application (page 1-3 Section 1.3.1 paragraph 3).

As per claim 4, Sun Cluster 2.2 discloses:

The method of claim 1, wherein said resource type performs at least one of the following:

a. starts execution of said application (page 1-2 Section 1.2 paragraph 2);

As per claim 5, Sun Cluster 2.2 discloses:

The method of claim 1, wherein said code of said at least one resource type is a source code (page 1-1 Section 1.1 paragraph 1).

As per claim 7, Sun Cluster 2.2 discloses:

The method of claim 1, wherein said user specified characteristics comprise information on whether said resource type is failover or scalable (page 1-3 Section 1.3.1 paragraph 1).

As per claim 8, Sun Cluster 2.2 discloses:

The method of claim 1, wherein said user specified characteristics comprise information on whether said application is network-aware or non network-aware (page 2-9 Section 2.3 paragraph 1).

In regard to claim 9, the above rejection of claim 1 is incorporated. Sun Cluster 2.2 discloses a user interface (page 1-1 Section 1.1 paragraph 1). Sun Cluster 2.2 does not expressly disclose a graphical user interface (GUI). Richburg teaches the use of a graphical user interface (column 6 lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Richburg's GUI with the user interface of Sun Cluster 2.2. One of ordinary skill would have been motivated to utilize a simple point and click interface to generate sophisticated programs (Richburg column 6 lines 59-61).

As per claim 10, Sun Cluster 2.2 discloses:

A method of claim 1, wherein said generating of said code further comprises providing said user with an ability to modify said generated code ().

As per claims 11-15, 17, 18, and 20, Sun Cluster 2.2 discloses a computer readable medium (page 1-4 Section 1.3.2. File systems are inherently implemented on a computer readable medium. File systems provide a logical view to data storage and organization on physical media.). Sun Cluster 2.2 also discloses the use of a user interface (page 1-1 Section 1.1 paragraph 1). All other limitations have been addressed in the above rejection of claims 1-5, 7, 8, and 10, respectively.

As per claims 19 and 29, all further limitations have been addressed in the above rejection of claim 9.

As per claims 21-25, 27, 28, and 30, Sun Cluster 2.2 discloses a computer system (page “v”, Preface, paragraph 1). Sun Cluster 2.2 also discloses the use of a user interface (page 1-1 Section 1.1 paragraph 1). All other limitations have been addressed in the above rejections of claims 1-5, 7, 8, and 10, respectively.

7. Claims 6, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun Cluster 2.2 as applied to claims 1, 11, and 21, respectively above, and further in view of “Application Packaging Developer’s Guide” by Sun Microsystems, Inc. (hereinafter referred to as “APDG”).

As per claim 6, Sun Cluster 2.2 does not expressly disclose arranging the generated code in to a package.

However, in an analogous environment, APDG teaches that software can be arranged into a collection of files and directories required for a software product after completion of the development of the application code (page 2 paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to assemble Sun Cluster 2.2’s application code into APDG’s package. One of ordinary skill would have been motivated to easily transfer the application code for mass production, distribution and installation.

As per claims 16 and 26, all further limitations have been addressed in the above rejection of claim 6.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5287511 A to Robinson et al. discloses code generation along with automatic generation of a configuration file (column 37 lines 9-13).

US 5247683 A to Holmes et al. discloses generation of a configuration file (abstract).

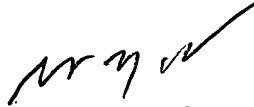
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571) 272-3703. The examiner can normally be reached on T-F 6:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdr


WEI Y. ZHEN
PRIMARY EXAMINER